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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA
7

8 Khalil Shakur,) CV 11-02169-PHX-FJM
9 Petitioner,) ORDER
10 vs.)
11)
12 Charles L. Ryan; Attorney General of the)
13 State of Arizona,)
14 Respondents.)
15 _____)

16 The court has before it petitioner's petition for writ of habeas corpus pursuant to 28
17 U.S.C. § 2254 (doc. 1), respondents' response (doc. 11), and petitioner's reply (doc. 13). We
18 also have the report and recommendation of the United States Magistrate Judge
19 recommending that the petition be denied (doc. 14). Petitioner did not object to the report
20 and recommendation, and the time for doing so has expired. After review, we accept the
21 recommendation of the United States Magistrate Judge pursuant to Rule 8(b), Rules
22 Governing § 2254 Cases. See also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th
23 Cir. 2003).¹

24 _____
25 ¹ After the report and recommendation was filed, the Supreme Court decided Martinez
26 v. Ryan, __ U.S. __, __ S. Ct. __, 2012 WL 912950 (Mar. 20, 2012). Martinez does not alter
27 the analysis in this case, however, because petitioner raised an ineffective assistance of
28 counsel claim in his state action for post-conviction relief that was decided on the merits.
The magistrate judge did not conclude that petitioner procedurally defaulted on this claim,
but rather determined that the state court's denial of relief was neither clearly contrary to nor
an unreasonable application of federal law.

1 Accordingly, **IT IS ORDERED ACCEPTING** the report and recommendation (doc.
2 14) and **DENYING** petitioner's petition for writ of habeas corpus (doc. 1). **IT IS**
3 **FURTHER ORDERED DENYING** a certificate of appealability because petitioner has not
4 made a substantial showing of the denial of a constitutional right. The Clerk shall enter
5 judgment.

6 DATED this 3rd day of April, 2012.

Frederick J. Martone
Frederick J. Martone
United States District Judge